

County of San Diego, Health and Human Services Agency (HHSA)
Special Notice

CDSS Sixth Set of Questions and Answers for Senate Bill (SB) 1041

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15-07

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Issue Date:

7/24/2015

Effective Date:

Upon receipt

Background:

CDSS has provided clarification regarding:

1. When to change the hourly participation requirement if one parent in a two-parent Assistance Unit becomes eligible for a disability exemption
2. When months are counted toward the federal 12-month lifetime limit for vocational education (VTR)
3. The reengagement of AB X4 4 exempt clients who were sanctioned for noncomplying with the reengagement process
4. Form WTW 38 and its impact on the WTW 24-Month Time Clock.

Purpose:

To notify Employment Services staff that the California Department of Social Services (CDSS) has published with [ALL County Letter \(ACL\) 15-21](#) the sixth set of questions and answers related to Senate Bill (SB) 1041.

Policy:

Hourly Participation Requirements ([ACL 15-21 Q&A #1](#))

- When in a two-parent family one parent becomes exempt due to disability ([CPG 10-020.A](#)), **WTW hourly participation requirements must change from 35 to 20/30 average weekly hours** depending on age of the children living in the home ([CPG 11-001.G.1.7](#)).
- Participation at 1-parent level applies to the entire month in which the disability exemption is granted for the other parent, even if the exemption covers only part of the month.

Vocational Education ([ACL 15-21 Q&A #2, #3, #4](#))

- Participation in vocational education and training (VTR) may be assigned under Education Related Training (ERT) or Education directly Related to Employment (ERE) and not counted toward the CalWORKs federal 12-month lifetime limit ([CPG 11-001.B.8](#)) if the participant chooses to:
 - Take full advantage of the WTW 24-Month Time Clock and preserve VTR months; or
 - Meet CalWORKs federal standards ([CPG 11-001.G.3](#)) and he/she is meeting core hourly requirement with another core activity ([CPG 10-003.A.5](#))
- Exempt or excused individuals participating in VTR activities as volunteers will not have VTR months counted toward their CalWORKs federal VTR 12-month lifetime limit.
- The CalWORKs federal standard limit of 12 months for educational activities aligns to the TANF 12-month lifetime limit on VTR as core activity
- Mandatory participants who have already used some of the VTR months prior to January 1, 2013 will have only the number of remaining months on their VTR federal 12-month limit to count under CalWORKs federal standards. For WTW mandatory participants, VTR months are counted from December 1, 2004 ([ACL 13-59](#) and [CPG 11-001.B.8](#))
- Participants who have reached their VTR 12-month lifetime limit may be assigned to vocational education under Education Related Training (ERT) or Education directly Related to Employment

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(ERE). In this case, if the participant chooses to meet CalWORKs federal standards, core hourly requirement must be met through other non-educational core activities ([CPG 10-005.H](#) and [CPG 10-003.E](#))

Reengagement ([ACL 15-21 Q&A #5](#))

- Effective January 1, 2015, clients who are still sanctioned for failure to comply with the AB X4 4 reengagement process ([CPG 10-004.A](#), [CPG 10-004.B](#)) will be moved to the appropriate aid types K1 or K2 ([ACL 15-18](#)) as applicable, and will be subject to sanction curing provisions in [CPG 10-025.D](#) if they opt to cure their sanction.

WTW 38

- [WTW 38 Welfare-To-Work 24-Month Time Clock Notice](#) is sent to participants who are no longer meeting scheduled CalWORKs federal standards as a courtesy notice.
- The issuance of the WTW38 **does not** control whether time counts toward his or her WTW24-Month Time Clock ([ACL 13-59](#), [CPG 11-001.B.3](#)).

Procedures:

- [Processing Guide 10-003.A SB 1041 Q&As Sixth Set Q.1](#)
- [Processing Guide 10-003.A SB 1041 CDSS Q&As Sixth Set Q.1](#)
- [Processing Guide 10-003.B SB 1041 Q&As Sixth Set Q.5-6](#)
- [Processing Guide 10-003.E SB 1041 Q&As Sixth Set Q.2-4](#)

Impact/s:

None

Other Programs Affected:

None

Quality Control:

Quality Control will cite the appropriate error when the regulations cited in this program material have not been followed.

References:

- All County Letters (ACLs): [15-21](#), [12-69](#), [13-01](#), [13-15](#), [13-37](#), [13-68](#) and [14-16](#)
- Welfare and Institutions Code: [WIC Section 11322.86](#) and [WIC Section 11322.87](#)
- Senate Bills: [SB 1041 Chapter 47, statutes of 2012](#) and [SB 855, Chapter 29, statutes of 2014](#)

Sunset Date:

This policy will be reviewed for continuance on or by 7/24/2018

Approval for Release:



Rick Wanne, Director

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Eligibility Operations

CDSS SB 1041 Questions and Answers (Sixth Set)

Hourly Participation Requirements:

Q. #1: When one parent in a two-parent assistance unit becomes eligible for a WTW disability exemption, must the CWD change the basis for deprivation for eligibility purposes to incapacity before reducing the hourly requirement from a 35-hour to a 20- or 30- hour per week minimum requirement, as described in ACL 14-16 question and answer number one?

A. No. When one parent becomes eligible for a WTW disability exemption, the CWD must change the WTW hourly participation requirement effective in the month in which the disability is granted. Please note that the reduction in required hours must apply for the entire month in which the exemption is effective for any length of time. Although the CWD may formally review the basis for deprivation at a later time, it is appropriate to reduce the hours immediately. For example, counties that review deprivation only at the transition between Semi-Annual Reporting (SAR) periods may change the hourly requirement mid-SAR period.

Vocational Education (VTR)

Q. #2: Does the 12-month lifetime limit for counting vocational education as a core activity for CalWORKs federal standards apply to clients who are utilizing the WTW 24-Month Time Clock?

A. No. Clients who have months remaining on their federal 12-month time limit for vocational education, but choose to use the WTW 24-Month Time Clock while participating in vocational education hours will not have months count toward the 12-month limit on vocational education, unless the client's participation meets CalWORKs federal standards, and the core hourly requirement is met with vocational education.

Clients scheduled to use the WTW 24-Month Time Clock will have months retroactively restored to their 24-month time clock if the county determines, based on work verification documentation, that CalWORKs federal standards were met in a previous month, as described in question number two in ACL 13-59. Months retroactively restored due to meeting CalWORKs federal standards, when the core hourly requirement is met with an activity(ies) other than vocational education, do not count toward the 12-month vocational education time limit.

Any vocational education hours must be counted as job skills training or education directly related to employment (federal non-core activities) when the core hourly requirement is met through other activities. However, months retroactively restored due to meeting CalWORKs federal standards, when vocational education hours are counted to meet the core hourly requirement, count toward the 12-month time limit.

Example #1: Ben is a single father with a child under six. He is scheduled to use the WTW 24-Month Time Clock. Ben still has time remaining on his 12-month vocational education limit. His WTW plan includes 10 hours of employment and 10 hours of vocational education. However, Ben turns in his participation verification for the month of June on July 7 showing that he worked 20 hours per week and attended college for 4 hours a day on every Monday and Wednesday. Since Ben is meeting CalWORKs federal standards by working 20 hours per week, Ben's 12-month vocational limit will not get counted and his hours in class would be counted as non-core job skills training. The month of

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June will be restored on Ben's WTW 24-Month Time Clock and the month will not count toward the CalWORKs federal standards 12-month vocational education limit.

Q. #3: Does the 12-month lifetime limit for counting vocational education as a core activity for CalWORKs federal standards apply for clients who are exempt or excused clients who are volunteering?

A. No. Clients who participate in vocational education as an exempt or excused volunteer will not have months count toward the CalWORKs federal standards 12-month limit.

Q. #4: Q. Can clients use vocational education as a core activity, even when the client has used months countable toward or exhausted his or her TANF 12-month lifetime limit prior to January 1, 2013?

A. The 12 months of education countable under CalWORKs federal standards is aligned to the TANF 12-month lifetime limit on vocational education as a core activity.

Clients who have already used some of the 12 months countable toward the federal vocational education limit prior to January 1, 2013, will have only the number of months remaining on the federal 12-month limit to count under CalWORKs federal standards.

Clients who have used all 12 federally-countable months of vocational education are also considered to have exhausted the 12 months of countable core vocational education for CalWORKs federal standards. When the client is scheduled to meet CalWORKs federal standards after reaching the 12-month vocational education limit, vocational education hours will be counted as non-core job skills training or education directly related to employment only. In this situation, the core hourly requirement for CalWORKs federal standards must be met through other, non-educational activities.

Reengagement

Q. #5: If a client in the reengagement population is sanctioned for failing to participate in the reengagement process, how should the CWD proceed? When the client enters the process of curing his or her sanction, does the client have to complete the reengagement process?

A. Clients exempt as of December 2012 under the Assembly Bill (AB) X4 4 short-term young child exemptions were required to be reengaged back into the WTW program by January 1, 2015. A CWD may have begun the reengagement process with a client between January 1, 2013 and January 1, 2015, though was unable to complete reengagement due to the client being non-compliant with the reengagement process. As a result, the client would have been sanctioned.

If a client in this particular situation opted to cure his or her sanction prior to January 1, 2015, the CWD was required to meet all remaining components of the reengagement process which were not completed when the CWD had originally attempted to reengage this client, prior to considering the client reengaged and counting time towards the WTW 24-Month Time Clock or CalWORKs 48-month time limit.

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If a client in this situation opts to cure his or her sanction any time after January 1, 2015, he or she would cure a sanction according to the existing policies found in MPP Section 42-721.43, in order to become a participant in the WTW program.

As of January 1, 2015, all CWDs are instructed to move clients who were sanctioned due to not complying with the reengagement process and are still in sanction status from Welfare Data Tracking Implementation Project (WDTIP) Code 317 into the appropriate WDTIP code for sanctioned clients.

WTW 38

Q. #6: What is the required notification period for the WTW 24-Month Time Clock Notice (WTW 38)?

A. Once the CWD receives verification and otherwise determines that a client, who is in a WTW plan designed to meet CalWORKs federal standards, is not meeting CalWORKs federal standards, the CWD should send the WTW 38 to the client as soon as administratively feasible.

As a best practice, CWDs should send the notice no later than 30 days from the date they receive verification and otherwise determine the client is not meeting CalWORKs federal standards.

The **issuance of the notice does not control whether time counts toward his or her WTW 24-Month Time Clock**. This is a courtesy notice to the client and more information is contained in ACL 13-59, question number three.

References:

- All County Letters (ACLs) [15-21](#), [13-59](#), [13-68](#) and [14-16](#)
- Welfare and Institutions Code (WIC) sections [11.320.3](#), [11.322.8](#), [11.322.85](#)
- Eligibility and Assistance Standards (EAS): [MPP 42.721.47](#)